

AS:SMG:cd

cc: Files
Mrs. GaufV
Miss Gradoville
Mr. Saloschin
RETRIEVAL

FEB 18 1975

See 2/18/75

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Freedom of Information Act appeal of James Lesar in behalf of Harold Weisberg who seeks access to FBI records relating to President Kennedy's assassination and to items of court evidence in the Watergate case denied to him by the Special Prosecutor.

ACTION MEMORANDUM

This memorandum transmits for your signature a letter responding to James Lesar's January 15, 1975 appeal in behalf of his client Harold Weisberg. The letter indicates to Mr. Lesar that the December 19, 1974 response of Director Kelley's was not a denial of Mr. Weisberg's request under the Freedom of Information Act and informs him that the Bureau will make available the records he seeks. Further the letter explains that the Bureau has experienced difficulty in isolating what Mr. Weisberg calls "final reports" from a considerable quantity of raw materials and work notes, but is willing to consult with Mr. Weisberg in order to determine which materials he desires.

The letter also deals with Mr. Lesar's request that you review the Special Prosecutor's 1973 denial of Mr. Weisberg's request for access to materials relating to the Watergate trial. This matter has a history which is somewhat confusing. The only record of a request of this nature which the Special Prosecutor's Office has been able to locate is a July 15, 1973 letter from Mr. Weisberg which purports to be an "appeal" to the Special Prosecutor from an earlier denial. Apparently, there had been earlier oral requests (which under our regulations do not qualify as FOIA requests, 28 CFR § 16.3(b)), which employees of the Special Prosecutor's Office had denied. The Special Prosecutor replied to the July 15 letter on July 25, treating it as a request rather than an appeal, and advising Mr. Weisberg of a right to appeal within 30 days to the Attorney General under 28 CFR § 16.7.

